

JUL 25 2011

Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. PT-2010-1867

JOSHUA DAVID STEINER HOGGATT
4240 Hwy. 41 East
Templeton, CA 93465

A C C U S A T I O N

Psychiatric Technician License No. PT 34040

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about January 7, 2008, the Board of Vocational Nursing and Psychiatric Technicians ("Board") issued Psychiatric Technician License No. PT 34040 to Joshua David Steiner Hoggatt ("Respondent"). The Psychiatric Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2011, unless renewed.

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2 "(i) The use of excessive force upon or the mistreatment or abuse of any patient.

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4 "(n) The commission of any act involving dishonesty, when that action is substantially
5 related to the duties and functions of the licensee."

6 6. California Code of Regulations, title 16, section 2578, provides:

7 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
8 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
9 considered to be substantially related to the qualifications, functions or duties of a licensed
10 psychiatric technician if to a substantial degree it evidences present or potential unfitness of a
11 licensed psychiatric technician to perform the functions authorized by his license in a manner
12 consistent with the public health, safety, or welfare. . . ."

13 **COST RECOVERY**

14 7. Section 125.3 provides, in pertinent part, that a Board may request the administrative
15 law judge to direct a licensee found to have committed a violation or violations of the licensing
16 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
17 case.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Criminal Conviction)**

20 8. Respondent is subject to disciplinary action under section 4521, subdivision (f), in
21 conjunction with California Code of Regulations, title 16, section 2578, in that Respondent has
22 been convicted of a crime substantially related to the qualifications, functions, and duties of a
23 psychiatric technician. The circumstances are as follows:

24 a. On April 14, 2010, in the criminal proceeding entitled *The People of the State of*
25 *California v. Joshua David Steiner Hoggatt* (Super. Ct. San Luis Obispo County, 2009, No.
26 M000442286), Respondent entered a plea of nolo contendere and was convicted of violating
27 Vehicle Code section 23152, subdivision (b) [driving with greater than 0.08% blood alcohol
28 content]. Respondent was sentenced to 10 days in jail, placed on probation for a period of 3 years

1 and fined. The circumstances surrounding the conviction are that on or about December 30,
2 2009, Respondent was involved in a single-vehicle accident on Highway 101 in the City of
3 Atascadero, California. The California Highway Patrol was called to the scene, and Respondent
4 admitted to the investigating officer that he was the driver of the vehicle and that he had been
5 drinking alcohol. After he failed a field sobriety test, Respondent submitted to a blood test which
6 registered Respondent's blood alcohol content at .17%.

7 b. On July 21, 2009, in the criminal proceeding entitled *The People of the State of*
8 *California v. Joshua David Steiner Hoggatt* (Super. Ct. San Luis Obispo County, 2009, No.
9 F000430093), Respondent entered a plea of nolo contendere and was convicted of violating
10 Health and Safety Code section 11357, subdivision (c) [possession of 28.5 grams or greater of
11 marijuana]. Respondent was fined and sentenced to 2 years probation. The circumstances
12 surrounding the conviction are that on or about February 11, 2009, officers from the San Luis
13 Obispo Sheriff's Department were dispatched to Respondent's address to investigate an
14 incomplete 911 call that had been made from that address. Once on the scene, the officers
15 discovered numerous marijuana plants growing inside Respondent's residence. Specifically, the
16 officers recovered eleven (11) marijuana plants that were approximately 1 to 1 1/2 feet in height
17 and another 10-15 smaller seedlings that were approximately 3 inches in height. Respondent
18 admitted to the officers that the marijuana plants were his.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Dangerous Use of Alcohol and/or Drugs)**

21 9. Respondent is subject to disciplinary action under section 4521, subdivision (a)(5), in
22 that Respondent used alcoholic beverages and/or controlled substances in a manner dangerous to
23 himself and the public. Complainant refers to, and by this reference incorporates, the allegations
24 set forth above in paragraph 8, subparagraphs (a) and (b), inclusive, as though set forth fully
25 herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Patient Mistreatment/Abuse)**

3 10. Respondent is subject to disciplinary action under 4521, subdivision (i), in that, while
4 performing his duties as a licensed psychiatric technician, Respondent engaged in patient
5 mistreatment and/or abuse. The circumstances are as follows:

6 a. On or about November 24, 2008, while employed as a licensed psychiatric technician
7 at Atascadero State Hospital, Respondent mistreated and was verbally abusive to a patient. Four
8 individuals -- the mistreated patient and three hospital employees -- witnessed Respondent's
9 abusive conduct, which included a threat to lock the subject patient in a "special room." An
10 officer of the Atascadero State Hospital Police Department interviewed the witnesses, each of
11 whom provided essentially identical statements corroborating Respondent's misconduct. When
12 the investigating officer questioned Respondent about the incident, however, Respondent
13 provided an untruthful statement in which he denied any misconduct.

14 b. On or about November 8, 2009, while employed as a licensed psychiatric technician
15 at Atascadero State Hospital, Respondent mistreated and was abusive to a patient. Hospital
16 Program Director Gregory Macedo witnessed the abusive conduct in which Respondent wrote on
17 a glass window the words "Go Away" to a patient who was housed in Unit 34 of the facility.

18 c. Because of this and other misconduct on the part of the Respondent while employed
19 by Atascadero State Hospital, on or about November 3, 2010, Respondent entered into a
20 stipulated agreement with Atascadero State Hospital wherein the hospital administrator agreed to
21 withdraw a "Notice of Rejection During Probationary Period" that had been previously submitted
22 against Respondent in exchange for Respondent's voluntary resignation.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Act Involving Dishonesty)**

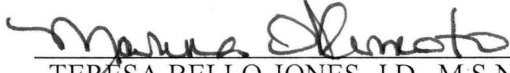
25 11. Respondent is subject to disciplinary action under 4521, subdivision (n), in that
26 Respondent committed an act of dishonesty substantially related to the duties and functions of a
27 psychiatric technician. Complainant refers to, and by this reference incorporates, the allegations
28 set forth above in paragraphs 10, subparagraph (a), inclusive, as though set forth fully herein.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Psychiatric Technician License No. PT 34040, issued to Joshua David Steiner Hoggatt;
2. Ordering Joshua David Steiner Hoggatt to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: July 25, 2011


TERESA BELLO-JONES, J.D., M.S.N., R.N.
for Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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